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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:)	Chapter 13
)	Case No. 06-12770-bam
PEDRO L. RAMIREZ)	
WENDY JO RAMIREZ)	
)	
Debtor(s).)	DATE: 10/13/09
)	TIME: 1:30 p.m.

OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY

COMES NOW, the Debtors, PEDRO L. RAMIREZ and WENDY JO RAMIREZ, by and through their attorneys, NARRAH F. NEWARK of NEWARK & NEWARK LAW FIRM, and respectfully request this Court to deny the MOTION FOR RELIEF FROM THE AUTOMATIC STAY filed by AMERICA's SERVICING COMPANY, by and through its attorneys, GREGORY L. WILDE of WILDE & ASSOCIATES and TIFFANY & BOSCO.

POINTS AND AUTHORITIES

11 USC Section 362 (d) (1) states that the Court may terminate, modify or condition stay

"for cause, including the lack of adequate protection of an interest in property of such party in interest;---

11 USC Section 362 (d) (2) the Court may terminate, modify or condition a stay

"with respect to a stay of an act against property under subsection (a) of this section, if-

(A) the debtor does not have an equity in such property AND

(B) such property is not necessary to an effective reorganization

STATEMENT OF FACTS

Debtors' property has liens of approximately \$294,514.32 for the property located at 317 Greenleaf Glen Street, Henderson, NV 89014, and the home is necessary for an effective reorganization. Debtors believe that they may have minimal equity in the property.

11 USC Section 362 (d) (1) may apply as:

1. Debtors acknowledge that if they are late on the post petition mortgage payments, they will need some time to acquire the necessary funds to cure all post-petition arrearages.

2. Debtors' intention is to stay current on future post-petition mortgage payments.

THEREFORE, Debtors request that the motion filed be denied under 11 USC Section (d) (1) or (2), and that any action on creditor's behalf be stayed for an adequate amount of time to allow Debtors to become current on the post petition mortgage arrearages, if necessary, and/or to Stipulate to an Order Re Adequate Protection.

Respectfully submitted:

NEWARK & NEWARK

By: /s/ NARRAH F. NEWARK
NARRAH F. NEWARK, ESQ.
NB#008201
Attorney for Debtor(s)

**CERTIFICATE OF MAILING OF OPPOSITION TO MOTION
FOR RELIEF FROM AUTOMATIC STAY**

I hereby certify that on September 24, 2009, I faxed and mailed a true and correct copy by facsimile and by first class mail, postage prepaid, to the below named the
OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY:

ASC
c/o Greg Wilde, Esq.
Wilde & Associates
208 S. Jones
Las Vegas, NV 89107
VIA FACSIMILE & ECF

Kathleen Leavitt, Trustee
201 Las Vegas Blvd., S #200
Las Vegas, NV 89101
VIA ECF

Pedro and Wendy Ramirez
317 Greenleaf Glen Street
Henderson, NV 89014

/s/ Betsy L. Smith
An employee of NEWARK & NEWARK LAW FIRM

** SECTION 362 INFORMATION SHEET **

Pedro Ramirez and Wendy Ramirez
DEBTOR(S)

Chapter 13
Case No.: 06-12770-bam

America's Servicing Company

MOVANT

PROPERTY INVOLVED IN THIS MOTION: 317 Green Leaf Glen Street, Henderson NV 89104

NOTICE SERVED ON: Debtor(s) _____ X Debtor(s) Counsel _____ X Trustee _____ X

DATE OF SERVICE: _____

MOVING PARTY'S CONTENTIONS:

The EXTENT and PRIORITY of LIENS:

1st America's Servicing Company
(PBS794,514.32)

Total Encumbrances: \$294,514.32

APPRAISAL or OPINION as to VALUE:

"Per attached valuation from www.zillow.com"
\$209,000.00

TERMS OF MOVANT'S CONTRACT
WITH THE DEBTOR

Amount of Note: \$307,000.00

Interest Rate: 6.75

Duration: 30 Year

Payment Per Month: \$ 2,226.06

Date of Default: July 1, 2009

Amount of Arrearages: \$7,777.30

Date of Notice of Default: July 18, 2006

SPECIAL CIRCUMSTANCES: I, Gregory L.

Wilde, hereby certify that an attempt has been made to confer with debtor(s) counsel, or with debtor(s) and that more than two (2) business days have expired, and that after sincere effort to do so, counsel has been unable to resolve this matter without court action.

SUBMITTED BY: _____

SIGNATURE: _____

DEBTOR'S CONTENTIONS:

The EXTENT and PRIORITY of LIENS:

1st _____
2nd _____

Total Encumbrances: \$ _____

APPRAISAL or OPINION as to VALUE:

OFFER OF "ADEQUATE

PROTECTION" FOR MOVANT:

SPECIAL CIRCUMSTANCES:

SUBMITTED BY: _____

SIGNATURE: _____